

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

XPOINT TECHNOLOGIES, INC.,

Plaintiff,

v.

MICROSOFT CORP., et al.,

Defendants.

Civil Action No. 09-CV-00628 (SLR)

**NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF
FREESCALE SEMICONDUCTOR HOLDINGS I., LTD.**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(i), and subject to the Tolling Agreement executed on or about October 20, 2009, Plaintiff Xpoint Technologies, Inc. hereby dismisses its claims only against Defendant Freescale Semiconductor Holdings I., Ltd. ("Freescale"), from this action without prejudice. Freescale has not filed or served an answer nor filed any motion in this action. No prejudice to any party will result from the dismissal of Freescale. This is not intended to affect Plaintiff's claims in this case against any Defendant other than Freescale.

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Dated: October 21, 2009